Social Services Appeal Board of Saskatchewan

Annual Report 2008 - 2009

Letter of Transmittal

Honourable Donna Harpauer
Minister of Social Services

Dear Ms. Harpauer:

I hereby respectfully submit the Annual Report of the Social Services Appeal Board for the one year period ending March 31, 2009.

Carol Bruce

Carol Bruce
Chairperson

Preface

The Annual Report, presented to the Minister of Social Services provides a description of the Social Services Appeal Board, its mandate, development and procedures, and a summary of the nature of appeals heard by the Board during the year April 1, 2008 to March 31, 2009.

Table of Contents

Transmittal Letter 2
Preface 3
Table of Contents 4
Introduction 5
Members of the Board..... 6
Location of Hearings 7
Chairperson's Comments 8

Statistics

TABLE 1: Number of Appeals 2002- 2009 9
TABLE 2: Regional Appeals 2008 - 2009 10
TABLE 3: Source of Provincial Appeals 11
TABLE 4: Summary by Region 12
TABLE 5: Appeals by Reason 13
TABLE 6: Appeal Board Meetings 14
TABLE 7: The Provincial Ombudsman 15

Introduction

The ***Social Services Appeal Board*** is an independent tribunal whose role is to determine if clients have been treated fairly and in accordance with the Saskatchewan Assistance Regulations.

Legal authority is provided by the *Department of Social Services Act R.S.D. 1978, Section 10; The Saskatchewan Assistance Act R.S.S. 1966, Section 14(1)(m)(n), 15-18; the Saskatchewan Assistance Regulations, Section 43.*

Appeals to the ***Social Services Appeal Board*** are considered the final step in a three tiered appeal process established under the regulations. The first level of appeal is to the Regional Director and any dissatisfied client may appeal to this level. Once the Regional Director has made a decision, the client has the option of continuing with the appeal should he/she be dissatisfied with the decision. Client appeals to the second level are arranged by the Regional Director and are heard by a Regional Appeal Committee. Depending on the decision of the Regional Appeal Committee, either the client or the Regional Director may choose to continue the appeal to the third and final level, the ***Social Services Appeal Board.***

The decision of the provincial board is final, unless it is not in accordance with the law. Clients and the Ministry may appeal to the Court of Queen's Bench. Clients may also request an independent review by the Ombudsman who will investigate the case. The Ombudsman cannot change the decision of the board, however, he may investigate the matter and advise the board if he believes the claim to be substantiated.

Members of the Board 2008 -2009

The Chairperson and Board Members are independent of the Ministry of Social Services. Appointments are made by Minister's Order.

Gloria Edwards is the appeal coordinator in Regina.

Pat Rauch is the appeal coordinator in Saskatoon.

C. Bruce Chairperson
R. Fiddler
M. Aubichon
K. Davis (resigned 2008)
F. Ozirney (on leave)
L. Coe-Kirkham
D. Bach
N. Osborne
R. Bellamy
C. Puckett
C. Froehlich
T. Sterzer
P. Cooper

Location of Hearings

Regional hearings are held by Regional Appeal Committees in the major centres in each region. Provincial hearings are held in Regina and Saskatoon, usually with a panel of four to five members. A quorum is three members.

The chairperson attends all appeal hearings and conveys in writing to clients the decisions made by the Appeal Board, usually within one week of the hearings. As part of the decision, the client is always advised of the rationale behind the board's decision.

Board members consider themselves obliged to adhere to the Saskatchewan Assistance Regulations but believe they have some flexibility in dealing with the internal policy guidelines.

The board has access to outside legal counsel and on occasion seeks advice regarding decisions.

Chairperson's Comments

The 2008-2009 annual report of the Social Services Appeal Board is available on-line at www.socialservices.gov.sk.ca/08-09-ssappealboard.pdf

In the 2008-2009 year the board received 127 provincial appeal requests. Five requests were denied, eight requests were withdrawn and two requests were adjourned until the next fiscal year. Nineteen meetings were held in Regina and twenty-five meetings were held in Saskatoon. The board heard 112 appeals, 69 appeals were heard in Saskatoon and 43 appeals were heard in Regina.

Decisions favoured the client 30% of the time.

The largest proportion of the appeals relate to Section 25 of the Saskatchewan Assistance Regulations, with 17 appeals based on 25D all originating from the Centre Region. The appeals in this area diminished when new policies were introduced that addressed the problem of shelter rates not keeping up with inflation.

The board continues to hear more complex and multi-issued appeals, requiring more time and greater knowledge of the policies and regulations to reach a decision.

Transitional Employment Allowance appeals (20) (18%) are included in this year's figures. These appeals are conducted by phone and the process appears to be working, as people become more familiar with teleconferencing.

The board saw a 5% increase in the amount of hearings concerning shelter rates. The board appreciates the change in policy on shelter rates and has seen a sizeable drop in hearings since the new policies were introduced. The board still continues to be concerned that there does not seem to be enough affordable housing in the province to adequately support disabled persons and the province's senior population.

Table 1 - Statistics
Number of Regional and Provincial Appeals
(2002 - 2003 to 2008 - 2009)

	Regional	Provincial
2002 – 2003	502	171
2003 – 2004	586	222
2004 - 2005	565	223
2005 – 2006	457	176
2006 – 2007	466	136
2007-2008	385	127
2008-2009	415	127

Regional numbers do not include denied or withdrawn.

Provincial numbers include 5 denied and 8 withdrawn and 2 requests were adjourned until the next fiscal year.

Table 2 - Regional Appeals Location and Disposition 2008- 2009 Summary by Region

Region	Decision in Favour of Client	Decision in Favour of Director	Total
Southwest	43	93	136
Southeast	0	23	23
Centre	41	107	146
Northeast	2	37	39
Northwest	9	62	71
Total	**95**	**322**	**415**

The decision favoured the client 23% of the time.

Note: Totals may not balance because one appeal may result in more than one decision.

Table 3 - Provincial Appeals
Source of Provincial Appeals
2008 - 2009

Region	Appealed by Client	Appealed by Director	Total
Southwest	29	14	43
Southeast	6	0	6
Centre	24	19	43
Northeast	12	0	12
Northwest	16	7	23
Total	**87**	**40**	**127**

Note: **5 requests for appeals were denied**
8 appeals were withdrawn
2 requests for appeals were adjourned until the next fiscal year.

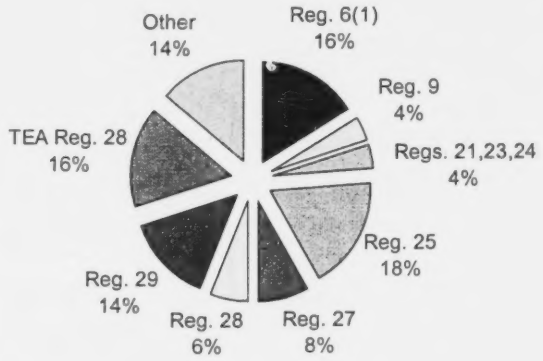
Table 4 - Provincial Appeals
Summary by Region
2008 - 2009

Region	Client Sourced Appeals		Director Sourced Appeals	
	Decision for Client	Decision Against Client	Decision for Director	Decision Against Director
Southwest	3	22	9	5
Southeast	0	5	0	0
Centre	5	18	3	16
Northeast	2	8	0	0
Northwest	1	9	5	1
Total	**11**	**62**	**17**	**22**

The number of appeals received and the number of decisions is not equal due to denials, withdrawals and adjournments.

Table 5 - Social Services Appeal Board Appeals by Reason

(segments represent the SAP and TEA Regulation appealed)



Reg. 6(1)	• Responsibilities of the recipient as a condition of eligibility
Reg. 9	• Determining the amount of assistance
Regs. 21, 23, 24	• Changes in the amount of assistance
Reg. 25	• Allowance amounts: basic needs, shelter, utilities, personal, food.
Reg. 27	• Special needs
Reg. 28	• Financial resources and exempt income
Reg. 29	• Determining financial resources
TEA – Reg. 28	• Responsibility of the recipient as a condition of eligibility
Other	**Social Assistance Program** • Common-law • Method of determining budget deficit or surplus • Determining eligibility **Transitional Employment Allowance** • Determining financial resources

Table 6 - Appeal Board Meetings Provincial Appeals Heard in Regina and Saskatoon

2004-2005 to 2008-2009

	Regina Meetings	Cases Heard	Saskatoon Meetings	Cases Heard
2004 – 2005	30	79	32	103
2005 – 2006	29	77	27	78
2006 – 2007	21	56	27	66
2007-2008	23	53	25	59
2008 – 2009	19	44	25	68

Table 7 - The Provincial Ombudsman

Clients who are dissatisfied with the decision of the Social Services Appeal Board may also request a review by the Office of the Ombudsman. The Ombudsman cannot change the decision of the board, however, an investigation will be conducted and the board advised if the Ombudsman believes the complaint to be substantiated. In those cases the Ministry of Social Services will also be advised. The Ministry may then initiate action to bring about a satisfactory outcome for the client.

Statistics for 2008 – 2009

FILES ISSUES

Initial Support	Referral Assistance	Situation Improved	Resolved	Not Resolved	Recommendations Made	Discontinued	Total Issues Closed	Files Received
2	1	0	2	3	1	6	13	8

Cases Outstanding March 31, 2007	**10**
Cases Outstanding March 31, 2008	**2**
Cases Outstanding March 31, 2009	**4**